

BEFORE THE PLANT VARIETIES REGISTRY
AT NEW DELHI

A. No. 5 of 2024

IN THE MATTER OF: Application under section 24 (5) in relation to protection of hybrid Watermelon variety MaxX- A. No. REG/2020/368 against M/s Prabhakar Hybrid Seeds watermelon variety Max Plus 84.

IN THE MATTER OF: -

M/S. NUNHEMS INDIA PVT. LTD.,

..... Applicant

-Versus-

M/S. PRABHAKAR HYBRID SEEDS.,

..... Respondent

For Applicant: Dr. Neeti Wilson, Attorney for M/s. Anand & Anand.

For the Respondent: None.

ORDER

The matter has been posted for clarification.

In the instant application, the *situs* where the abusive act was committed and when it was committed by the Respondent by misappropriating the variety of the Applicant is nowhere mentioned. *Situs* is essential under the law to determine jurisdiction as well as to establish the cause of action. Further, Applicant may clarify, whether the Respondent's variety is still under commercialization.

Accordingly, the Applicant may file detailed supporting affidavit on the following grounds:



- a) The *situs* where and when the abusive act was committed in respect of Applicant's variety which is the subject matter of the instant application?
- b) Whether the Respondent's variety is still under commercialization, if so, where?
- c) Why the above details (a) and (b) were not raised in the main application?

The above exercise to be completed within 14 days from the date of receipt of this order.

The matter is posted for hearing on 23rd January, 2026 at 3:00 PM.

Given under my hand and seal on this 1st day of January, 2026.




(D.K. AGARWAL)
REGISTRAR GENERAL